

REMARKS

Upon entry of the present amendment, claims 1 and 19 will have been amended while claims 26-28 will have been submitted for consideration by the Examiner.

Initially, Applicant's representative wishes to respectfully thank Examiner VRETTAKOS for the courtesy extended to him during a telephone interview conducted in the present application. The above telephone interview was conducted on May 17, 2007, between the Examiner in charge of the present application and Applicant's undersigned representative. In particular, Applicant wishes to respectfully thank the Examiner for the courtesy exhibited during the above-noted interview and for his cooperative nature and helpful suggestions during the above-noted interview. Applicant also wishes to thank the Examiner for his open minded approach to the above-noted interview which resulted, in the opinion of Applicant's representative, in significant progress in the prosecution of the present application.

During the above-noted interview, Applicant's representative questioned the Examiner regarding the limitation of claim 15 that the spacer is "fixedly positioned" with respect to the supporting member and a similar limitation that is present in claim 19.

In response, the Examiner asserted that since the spacer of the MARUCCI et al. reference is fixed to the supporting member, it is fixedly positioned with respect thereto. The Examiner amplified his position to indicate that as long as the recited components would not come apart, the limitation of the claim has been met.

Applicant strongly traversed the Examiner's rejection and pointed out that the claim does not recite that the spacer is "fixed" with respect to the supporting member, in which case the Examiner's position would be accurate. Rather, the previously pending claim 15 recited that the spacer is "fixedly positioned" with respect to the supporting member which means that the

position of the spacer is fixed, not that the spacer itself is fixed or secured to the supporting member. Clearly, the reference relied upon by the Examiner does not show this feature.

While Applicant's representative submitted that the Examiner's interpretation of the claim language was inappropriate, Applicant nevertheless solicited the Examiner's suggestion for alternatives that could be utilized in the independent claims to more clearly emphasize the distinctions between the references relied upon by the Examiner and the present application. In view of the discussion, Applicant has amended claim 1 to indicate that the spacer remains stationary with respect to the supporting member during movement of the manipulation member. A somewhat similar amendment was made to claim 19.

During the above-noted interview, the Examiner also took the position that while the device of MARUCCI et al. was at rest (in other words, it was not being utilized), the spacer thereof was fixed with respect to the supporting member. Applicant also traversed this assertion by the Examiner and submitted that if this interpretation of the claim language were appropriate, then any moveable elements, which inherently would not move when the device is not being utilized, would satisfy the limitations of the claims. This renders the term "fixed" meaningless. Applicant noted that while Examiners are obligated to interpret claim language as broadly as possible, such broad interpretation is limited by reasonableness and Applicant respectfully submits that the Examiner's interpretation was not a reasonable interpretation.

Nevertheless, Applicant has again amended claim 1 and, to a lesser extent, claim 19 to overcome the Examiner's interpretation without in any manner acquiescing in the propriety of such interpretation. Thus, the claims have been amended to clearly indicate that the spacer remains stationary during movement of the manipulation member.

In view of the above amendments and remarks and at least in view of the remarks set forth in the Response under 37 C.F.R. § 1.116 filed in the present application on March 23, 2007, Applicant respectfully submits that all the claims in the present application clearly distinguish and define over the references of record in the present application whether considered individually or even if considered in any proper combination. Accordingly, Applicant respectfully requests entry of the present amendment, reconsideration and withdrawal of each of the outstanding rejections and an indication of the allowability of all the claims pending herein, in due course. Such action is respectfully requested and is now believed to be appropriate and proper.

SUMMARY AND CONCLUSION


Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has made of record a telephone interview conducted with the Examiner and has amended the claims without in any manner acquiescing in the propriety of the Examiner's positions taken during the above-noted interview to even more clearly emphasize the distinctions between the present invention and the references relied upon by the Examiner. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully requests an indication to such effect, in due course.

The amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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May 29, 2007  
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